

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1.	ROCHELLE HART,	)
		)
	Plaintiff,	)
		)
vs.		)
		)
1.	NATIONWIDE PROPERTY &	Tulsa County
	CASUALTY INS. CO.,	)
	a domestic corporation,	Case No: CJ-2011-731
		Case No: 13-cv-551-CVE-FHM
		)
		)
	Defendant.	)

**NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA:

COMES NOW the Defendant, Nationwide Property & Casualty Ins. Co., and pursuant to Title 28 U.S.C. §1441 files this Notice of Removal requesting removal of Plaintiff's civil action against it from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma. In support of this Removal, Defendant would show as follows:

1. Nationwide Property & Casualty Ins. Co. is a Defendant in a civil action brought against it in the District Court of Tulsa County, State of Oklahoma, titled *Rochelle Hart, Plaintiff v. Nationwide Property & Casualty Ins. Co., Defendant*, Case No. CJ-2011-731.

2. This civil action was initially filed on February 8, 2011; however this Defendant was not added as a party until an Amended Petition was filed on February 5,

2013. Pursuant to 28 U.S.C. §§ 1441 and 1446(b)(3), Defendant Nationwide Property & Casualty Ins. Co. removes this action to the United States District Court for the Northern District of Oklahoma, which is the judicial district in which the action is pending.

3. Defendant was served with the Petition and Summons through the Insurance Commissioner on April 8, 2013. An Answer was filed on behalf of the Defendant on May 20, 2013. A true and correct copy of the First Amended Petition and Answer are attached hereto as Exhibits 1 and 2.

4. Removal of this case is proper pursuant to 28 U.S.C. §§ 1441 and 1446(b)(3), in that there is now complete diversity of citizenship between Plaintiff and Defendant. This matter was not immediately available for removal due to the fact Defendant Jennifer Davina Lay was a party at the time this Defendant was served. However, on July 24, 2013, Defendant Lay was dismissed WITH PREJUDICE, thus creating complete diversity of the parties and making this matter removable for the first time. See Exhibit 3, Dismissal With Prejudice. At the time of filing this action and at the present time, it is believed Plaintiff Rochelle Hart was and is a resident of the State of Oklahoma. At the time of filing this action and at the present time, Defendant Nationwide Property & Casualty Ins. Co. is domiciled in the state of Ohio.

5. Plaintiff's Petition seeks damages for an alleged breach of an insurance policy contract and related "bad faith" damages. Plaintiff's Petition states Plaintiff is seeking relief from Defendant in an amount in excess of \$75,000.00 for actual damages and an amount in excess of \$75,000.00 in punitive damages.

6. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and there is complete diversity of citizenship between Plaintiffs and Defendants. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

7. This Notice of Removal is filed within thirty (30) days after from which it was first ascertained that the case is one which is or has become removable.

8. All state court papers served on Defendant have been attached to this Notice. In addition, a copy of the docket sheet as maintained by the Oklahoma State Courts Network, as accessed on June 14, 2011, is attached as Exhibit 4. A certified copy of the Docket Sheet of the District Court of Tulsa County, State of Oklahoma, has been requested from the Court Clerk, and will be filed pursuant to L.R. 81.2.

9. Written notice of the filing of this Notice of Removal will be given promptly to Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Tulsa County, State of Oklahoma, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Nationwide Property & Casualty Ins. Co. removes this action to this Court, invoking this Court's jurisdiction.

DATED this 26<sup>th</sup> day of August, 2013.

Respectfully submitted

**PIERCE COUCH HENDRICKSON  
BAYSINGER & GREEN, L.L.P.**

A handwritten signature in black ink, appearing to read "Jason A. Robertson".

---

Jason A. Robertson, OBA #17696  
907 South Detroit, Suite 815  
Tulsa, Oklahoma 74120  
Telephone: 918-583-8100  
Facsimile: 918-583-8107  
[jrobertson@piercecouch.com](mailto:jrobertson@piercecouch.com)

- AND -

Gerald P. Green, OBA #03563  
P.O. Box 26350  
Oklahoma City, Oklahoma 73126  
Telephone: 405-235-1611  
Facsimile: 405-235-2904  
[jgreen@piercecouch.com](mailto:jgreen@piercecouch.com)  
*Attorneys for Defendant*  
*Nationwide Property & Casualty Ins. Co.*

**CERTIFICATE OF SERVICE**

I hereby certify that a full, true and correct copy of the above and foregoing document was served on the 26<sup>th</sup> day of August 2013, via:

- U.S. First Class Mail, proper postage prepaid;
- Certified Mail, Return Receipt Requested;
- Facsimile;
- Hand Delivery;
- Overnight Express Delivery;

to the following counsel of record:

Richard E. Warzynski  
G. Steven Stidham  
*Sneed Lang Herrold*  
1700 Williams Center Tower I  
One W. 3<sup>rd</sup> St.  
Tulsa, OK 74103-3522  
Facsimile: 918-582-0410

*Attorney for Plaintiff*

